PATENT

Attorney Docket No. JP920000102US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Tomohiro MIYAHIRA   Examiner: Khanh Q. DINH

Serial No: 09/812,438   Art Unit: 2151

Filed: March 20, 2001

NETWORK SYSTEM, SERVER, WEB SERVER,
WEB PAGE, DATA PROCESSING METHOD,
STORAGE MEDIUM, AND PROGRAM
TRANSMISSION APPARATUS

CERTIFICATE OF SUBMISSION BY FACSIMILE

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Dear Sir:

   I hereby certify that the following documents are being transmitted to the U.S. Patent and Trademark Office on the date shown below:

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                                        Respectfully submitted,

Dated: September 7, 2005

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Tomohiro MIYAHIRA	Examiner: Khanh Q. DINH
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APPEAL BRIEF

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicant submits this brief pursuant to 37 C.F.R. §1.192 in furtherance of the Notice of Appeal timely filed in this case on July 7, 2005, setting a two-month shortened statutory period of brief filing expiring September 7, 2005.

Please charge Deposit Account 50-0510 the $500 fee for filing this Appeal Brief. No other fee is believed due with this Appeal Brief, however, should another fee be required please charge Deposit Account 50-0510.

Real Party In Interest

The real party in interest is International Business Machines Corporation.

Related Appeals And Interferences

None.

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Application Serial No. 09/812,438

Status of Claims

Claims 1-16, 18, 20, 22, 24, 25 and 28 are pending in the instant application, with claims 1, 5 and 11-16 being independent claims. Claims 17, 19, 21, 23, 26 and 27 are cancelled.

Claims 1-16, 18, 20, 22, 24, 25 and 28 stand finally rejected by as noted in the Advisory Action dated August 9, 2005 ("AA"). The rejection of claims 1-16, 18, 20, 22, 24, 25 and 28 is appealed.

Status of Amendments

Claims 1, 5, 12, 14, 15 and 16 were amended after the Final Office Action dated April 7, 2005 ("FOA"). These amendments were entered by the Examiner. See AA, ¶7.

Summary of the Claimed Subject Matter

One embodiment of the present invention is a system that facilitates web page browsing by providing functions for converting the contents of pages, such as translation of text. App., pg. 1, ln. 5-8. The system includes a client for browsing web pages and a web server for hosting the web pages. App., Fig. 1. A web page creator inserts a function button 220 in a web page and stores the web page at the web server. App., pg. 12, ln. 5-9 and Fig. 2.

When the function button is activated by the client through a web browser, a conversion request is issued to a conversion server. App., pg. 12, ln. 19-23 and Fig. 2. The conversion request specifies a location for a target web page. Upon receipt of the request, the conversion server obtains the target web page based on the storage location that is designated by conversion request, changes the target web page, and returns the resultant web page to the client. App., pg. 12, ln. 23- pg. 13, ln. 1.

In another embodiment of the invention, the above description is generalized. The conversion server is referred to as a function providing server and may provide a plurality of functions to process web pages. App., pg. 5, ln. 4-8. Thus, a process execution request from the client designates the type of

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process to be performed, and the function providing server performs the designated process for the obtained web page. App., pg. 5, ln. 8-11. The function button concept is broadened to an execution request object that may be a button, banner, linking keyword, image data, etc. App., pg. 12, ln. 13-18.

In a further embodiment of the invention, the function providing server may insert advertisement content in the resultant web page. App., pg. 16, ln. 6-12. The inserted advertisement may be based on the type of processing performed by the function providing server, or based on an extracted keyword. App., pg. 7, 14-20.

Grounds for Rejection to be Reviewed on Appeal

I. Claims 1-3, 5-7, 11-16, 18, 20, 22, 24, 25 and 28 are rejected under 35 USC §102 as anticipated by U.S. Patent No. 5,987,454 to Hobbs et al. (hereinafter "Hobbs").

II. Claims 4 and 8-10 are rejected under 35 U.S.C. §103(a) as obvious over Hobbs in view of U.S. Patent No. 6,205,432 to Gabbard et al. (hereinafter "Gabbard").

Argument

I. CLAIMS 1-3, 5-7, 11-16, 18, 20, 22, 24, 25 and 28 ARE NOT ANTICIPATED BY HOBBS

To anticipate a claim under 35 USC §102, a reference must teach every element of the claim. MPEP 2131.

Claim 1

Claim 1 recites, in part, "a web server for storing a web page that includes a function execution request object which is used to request that a process be performed by said function providing server." App., claim 1 (emphasis added).

The Final Office Action argues that the web server of claim 1 is analogous to server 211 shown in Fig. 4 of Hobbs. FOA, pg. 2. The Appellant respectfully disagree with such an interpretation of Hobbs.

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Hobbs appears to teach a client/server information database record retrieval system. Hobbs, col. 1, ln. 11-15. According to Hobbs, "Database Server 211 acts as a front-end communications server to data stored in Data Warehouse 230 or an individual database." Hobbs, col. 14, ln. 43-45. Nowhere in Hobbs is there a teaching that the Database Server 211 stores a web page, as recited in claim 1.

Furthermore, the Appellant submits that Hobbs does not teach a function providing server. Claim 1 recites, "said <u>function providing server</u> obtains said target web page based on said storage location that is designated by said process execution request, performs a pertinent process for said target web page that is obtained, and returns the resultant web page to said client that issued said process execution request." App., claim 1 (emphasis added). The Examiner does not provide any evidence in the record that Hobbs discloses a function providing server as recited in claim 1.

Claim 1 additionally recites, "a <u>function execution request object</u> . . . wherein the <u>function execution request object</u> is one of a button, a banner, a linking keyword, and an image data." App., claim 1 (emphasis added). The Final Office Action states that the function execution request object is analogous to request headers described in Hobbs. FOA, pg. 2. The Examiner also argues that the request headers of Hobbs can be one of a button, a banner, a linking keyword, and an image data. FOA, pg. 9.

The Appellant respectfully disagrees with the Examiner's interpretation of Hobbs since, as discussed below, the request headers discussed in Hobbs are not one of a button, a banner, a linking keyword, and an image data, selectable or displayed in a displayed web page.

Hobbs discusses generating request headers that specify, among other things, the purpose of the request. Hobbs, col. 14, line 55 - col. 15, ln. 2, col. 16, ln. 22-27. For example, the browser may send a request header "http://www.example.com/datasite.pl?AR1" to a proxy server. Hobbs, col. 17, ln. 64 - col. 18, ln. 1. According to Hobbs,

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>The user, by selecting one of said choices, causes said
>application that is executed on said second network resource
>to match a key, corresponding to said one of said choices in
>a table lookup, with a <u>request header</u> comprising: a) a
>purpose of the request; b) a network address for a third
>network resource to which said request header is applied; c)
>a file name for an application that is stored on said third
>network resource; d) a query argument; and e) an
>authentication argument; and causes said application on said
>second network resource to send said request header to said
>third network resource. Hobbs, col. 8, lines 12-22
>(emphasis added).

Clearly, the request header is issued by an application after a
user selects a choice. *Id.* Hobbs does not teach that a web page
includes the request header, that the request header itself is
selectable, or that the request header is one of a button, a
banner, a linking keyword, and an image data.

The Examiner counters that Hobbs "implements servers to
insert a various types of content such as words, video data,
images and sentences into a web document," citing Figure 5 and
col. 15, ln. 29-63 of Hobbs. FOA, pg. 9. Such an argument is
unrelated to the issue at hand of whether or not a <u>request header</u>
is one of a button, a banner, a linking keyword, and an image
data, selectable or displayed in a displayed web page.

The Appellant respectfully submits that an interpretation of
Hobbs (as offered by the Final Office Action) that request headers
somehow include one of a button, a banner, a linking keyword, and
an image data, selectable or displayed in a displayed web page
defy the teachings of Hobbs. Hobbs provides a specific example of
what a request header looks like
(http://www.example.com/datasite.pl?AR1), and states that request
headers are generated by an application after a user selection is
performed. Hobbs, col. 17, ln. 64 – col. 18, ln. 1, col. 8, ln.
12-22, and col. 14, ln. 55-67. Thus, it is respectfully submitted
that Hobbs does not teach the function execution request object of
claim 1.

For at least these reasons, the Appellant respectfully
asserts that the Examiner has not established a *prima facie* case
of anticipation for claim 1. The Appellant submits that the

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Claim 2

Claim 2 r

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Furthermore, the Appellant submits that Hobbs does not teach a function providing server. Claim 1 recites, "said <u>function providing server</u> obtains said target web page based on said storage location that is designated by said process execution request, performs a pertinent process for said target web page that is obtained, and returns the resultant web page to said client that issued said process execution request." App., claim 1 (emphasis added). The Examiner does not provide any evidence in the record that Hobbs discloses a function providing server as recited in claim 1.

Claim 1 additionally recites, "a <u>function execution request object</u> . . . wherein the <u>function execution request object</u> is one of a button, a banner, a linking keyword, and an image data." App., claim 1 (emphasis added). The Final Office Action states that the function execution request object is analogous to request headers described in Hobbs. FOA, pg. 2. The Examiner also argues that the request headers of Hobbs can be one of a button, a banner, a linking keyword, and an image data. FOA, pg. 9.

The Appellant respectfully disagrees with the Examiner's interpretation of Hobbs since, as discussed below, the request headers discussed in Hobbs are not one of a button, a banner, a linking keyword, and an image data, selectable or displayed in a displayed web page.

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The user, by selecting one of said choices, causes said
application that is executed on said second network resource
to match a key, corresponding to said one of said choices in
a table lookup, with a <u>request header</u> comprising: a) a
purpose of the request; b) a network address for a third
network resource to which said request header is applied; c)
a file name for an application that is stored on said third
network resource; d) a query argument; and e) an
authentication argument; and causes said application on said
second network resource to send said request header to said
third network resource. Hobbs, col. 8, lines 12-22
(emphasis added).

Clearly, the request header is issued by an application after a
user selects a choice. *Id.* Hobbs does not teach that a web page
includes the request header, that the request header itself is
selectable, or that the request header is one of a button, a
banner, a linking keyword, and an image data.

The Examiner counters that Hobbs "implements servers to
insert a various types of content such as words, video data,
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col. 15, ln. 29-63 of Hobbs. FOA, pg. 9. Such an argument is
unrelated to the issue at hand of whether or not a <u>request header</u>
is one of a button, a banner, a linking keyword, and an image
data, selectable or displayed in a displayed web page.

The Appellant respectfully submits that an interpretation of
Hobbs (as offered by the Final Office Action) that request headers
somehow include one of a button, a banner, a linking keyword, and
an image data, selectable or displayed in a displayed web page
defy the teachings of Hobbs. Hobbs provides a specific example of
what a request header looks like
(http://www.example.com/datasite.pl?AR1), and states that request
headers are generated by an application after a user selection is
performed. Hobbs, col. 17, ln. 64 - col. 18, ln. 1, col. 8, ln.
12-22, and col. 14, ln. 55-67. Thus, it is respectfully submitted
that Hobbs does not teach the function execution request object of
claim 1.

For at least these reasons, the Appellant respectfully
asserts that the Examiner has not established a *prima facie* case
of anticipation for claim 1. The Appellant submits that the

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rejection of claim 1 is improper and requests that the rejection of claim 1 be reversed by the honorable Board.

Claim 2

Claim 2 recites, "when issuing said process execution request, said client designates the type of process to be performed, and said function providing server performs said designated process for an obtained web page." App., claim 2.

In rejecting claim 2, the Examiner analogizes issuing a process execution request to executing CGI applications. FOA, pg. 3. The Examiner offers no evidence in the record that the two concepts are analogous. The Appellant respectfully submits that the concepts are not analogous. For example, issuing an execution request does not guarantee execution of an application, and executing an application does not necessarily require issuance of an execution request.

Furthermore, the Examiner appears to analogize the limitation of "said client designates the type of process to be performed" to a menu of choices to be displayed. FOA, pg. 3. The Appellant respectfully disagrees with this conclusion.

Hobbs states, "The user chooses one of the options presented, which will send an Argument Symbol to Proxy Server 207 that is used as a key in a table lookup on Proxy Server 207. The table lookup then matches the key with one of a plurality of expert-predetermined optimum values used to retrieve records from the Data Warehouse or database." Hobbs, col. 16, ln. 39-45. Thus, it is clearly evident that the Argument Symbol of Hobbs designates the records to be retrieved rather than the type of process to be performed.

For at least these reasons, and the reasons given for claim 1, the Appellant respectfully asserts that the Examiner has not established a *prima facie* case of anticipation for claim 2. The Appellant submits that the rejection of claim 2 is improper and requests that the rejection of claim 2 be reversed by the honorable Board.

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Claim 3

Claim 3 recites, "when said obtained web page is linked with another web page, said function providing server also obtains a web page at a linking destination and performs a process for said obtained web page." App., claim 3.

The Examiner asserts "Hobbs discloses that when said obtained web page is linked with another web page (linking frames with the HTM: documents)." FOA, pg. 3. The Appellant finds no reference in Hobbs disclosing "linking frames with the HTM: documents", as asserted by the Examiner.

Furthermore, the Appellant submits the citation offered by the Examiner describes the process by which a browser main window, subdivided into a series of frames, loads content from various hyperlinks. Hobbs, col. 18, ln. 49-52 and Fig. 8, items 500-503. Thus, Hobbs is not related to nor teaches a function providing server which obtains a web page at a linking destination and performs a process for the obtained web page, as recited in claim 3.

For at least these reasons, and the reasons given for claim 1, the Appellant respectfully asserts that the Examiner has not established a *prima facie* case of anticipation for claim 3. The Appellant submits that the rejection of claim 3 is improper and requests that the rejection of claim 3 be reversed by the honorable Board.

Claim 18

Claim 18 recites, "The network system according to claim 1, wherein the execution request object includes an indicia of a first language and a second language and the pertinent process includes a translating process to translate, at least in part, the web page from the first language to the second language." App., claim 18.

In rejecting claim 18, the Final Office Action states, "using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand." FOA, pg. 8-9.

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The Appellant respectfully submits that the above statement
fails to point out where Hobbs teaches <u>indicia</u> of a first language
and a second language. Thus, the Examiner's statement it does not
establish that Hobbs teaches every element and limitation of claim
18, namely, an indicia of a first language and a second language.

For at least these reasons, and the reasons given for claim
1, the Appellant respectfully asserts that the Examiner has not
established a *prima facie* case of anticipation for claim 18. The
Appellant submits that the rejection of claim 18 is improper and
requests that the rejection of claim 18 be reversed by the
honorable Board.

Claim 5

Claim 5 recites, "a <u>function execution request object</u> that
is included in a web page displayed by said client . . . wherein
the <u>function execution request object</u> is one of a button, a
banner, a linking keyword, and an image data." App., claim 5
(emphasis added). The Final Office Action states that the
function execution request object is analogous to request headers
described in Hobbs (the rejection of claim 5 provides no
additional information regarding the Examiner's interpretation of
this limitation). FOA, pg. 2. The Examiner also argues that the
request headers of Hobbs can be one of a button, a banner, a
linking keyword, and an image data. FOA, pg. 9.

The Appellant respectfully disagrees with the Examiner's
interpretation of Hobbs since, as discussed above for claim 1, the
request headers in Hobbs are not one of a button, a banner, a
linking keyword, and an image data, selectable or displayed in a
displayed web page.

For at least this reason, the Appellant respectfully asserts
that the Examiner has not established a *prima facie* case of
anticipation for claim 5. The Appellant submits that the
rejection of claim 5 is improper and requests that the rejection
of claim 5 be reversed by the honorable Board.

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Claims 6 and 7

Claims 6 and 7 are dependent on and further limit claim 5. Since the rejection of claim 5 is believed improper, the rejection of claims 6 and 7 are also believed improper for at least the same reasons as claim 5.

Claim 20

Claim 20 recites, "The server according to claim 5, wherein the execution request includes an indicia of a first language and a second language and the predetermined conversion process includes a translating process to translate, at least in part, the web page from the first language to the second language." App., claim 20.

In rejecting claim 20, the Final Office Action states, "using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand." FOA, pg. 8-9.

The Appellant respectfully submits that the above statement fails to point out where Hobbs teaches *indicia* of a first language and a second language. Thus, the Examiner's statement it does not establish that Hobbs teaches every element and limitation of claim 20, namely, an indicia of a first language and a second language.

For at least these reasons, and the reasons given for claim 5, the Appellant respectfully asserts that the Examiner has not established a *prima facie* case of anticipation for claim 20. The Appellant submits that the rejection of claim 20 is improper and requests that the rejection of claim 20 be reversed by the honorable Board.

Claim 11

Claim 11 recites, in part, a "translating process configured to translate, at least in part, the web page from a first language to a second language." App., claim 11.

The Final Office Action rejects claim 11, citing Hobbs as teaching "receiving data from a browser or other HTTP server and converting it into a form the database can understand." FOA, pg. 5.

Hobbs states, "Corporate intranets are also switching to the HTTP protocol and will integrate some form of HTIP servers or HTML conversion 'on the fly' to access their legacy databases." Hobbs, col. 13, lines 49-52. This statement teaches that HTTP-based documents may be used to retrieve data from a database by servers in real-time. The Applicant respectfully submits, however, that such an operation does not amount to a translating process since retrieving data specified in a document does not equate to translating said document. It is further submitted that nowhere in Hobbs is there a teaching of translating a web page from a first language to a second language.

For at least this reason, the Appellant respectfully asserts that the Examiner has not established a *prima facie* case of anticipation for claim 11. The Appellant submits that the rejection of claim 11 is improper and requests that the rejection of claim 11 be reversed by the honorable Board.

Claim 12

Claim 12 recites, "a <u>function execution request object</u> on a web page . . . wherein the <u>function execution request object</u> is one of a button, a banner, a linking keyword, and an image data." App., claim 12 (emphasis added). The Final Office Action states that the function execution request object is analogous to request headers described in Hobbs (the rejection of claim 12 provides no additional information regarding the Examiner's interpretation of this limitation). FOA, pg. 2. The Examiner also argues that the request headers of Hobbs can be one of a button, a banner, a linking keyword, and an image data. FOA, pg. 9.

The Appellant respectfully disagrees with the Examiner's interpretation of Hobbs since, as discussed above for claim 1, the request headers discussed in Hobbs are not one of a button, a banner, a linking keyword, and an image data, selectable or displayed in a displayed web page.

For at least this reason, the Appellant respectfully asserts that the Examiner has not established a *prima facie* case of anticipation for claim 12. The Appellant submits that the

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rejection of claim 12 is improper and requests that the rejection
of claim 12 be reversed by the honorable Board.

Claim 22

Claim 20 recites, "The web page according to claim 12,
wherein the function providing server is configured to translate,
at least in part, the web page from a first language to a second
language." App., claim 22.

In rejecting claim 22, the Final Office Action states,
"using a gateway is any application program that receives data
from a browser or other HTTP server converts it into a form the
database can understand." FOA, pg. 8-9.

The Appellant respectfully submits that the above statement
fails to point out where Hobbs teaches <u>indicia</u> of a first language
and a second language. Thus, the Examiner's statement it does not
establish that Hobbs teaches every element and limitation of claim
22, namely, an indicia of a first language and a second language.

For at least these reasons, and the reasons given for claim
12, the Appellant respectfully asserts that the Examiner has not
established a *prima facie* case of anticipation for claim 22. The
Appellant submits that the rejection of claim 22 is improper and
requests that the rejection of claim 22 be reversed by the
honorable Board.

Claim 13

Claim 13 recites, in part, a "translating process configured
to translate, at least in part, the web page from a first language
to a second language." App., claim 13.

The Final Office Action rejects claim 11, citing Hobbs as
teaching "receiving data from a browser or other HTTP server and
converting it into a form the database can understand." FOA, pg.
6-7.

Hobbs states, "Corporate intranets are also switching to the
HTTP protocol and will integrate some form of HTIP servers or HTML
conversion 'on the fly' to access their legacy databases." Hobbs,
col. 13, lines 49-52. This statement teaches that HTTP-based
documents may be used to retrieve data from a database by servers

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in real-time. The Applicant respectfully submits, however, that
such an operation does not amount to a translating process since
retrieving data specified in a document does not equate to
translating said document. It is further submitted that nowhere
in Hobbs is there a teaching of translating a web page from a
first language to a second language.

For at least this reason, the Appellant respectfully asserts
that the Examiner has not established a *prima facie* case of
anticipation for claim 13. The Appellant submits that the
rejection of claim 13 is improper and requests that the rejection
of claim 13 be reversed by the honorable Board.

Claim 14

Claim 14 recites, in part, "in response to the selection of
a <u>function execution request object</u> . . . wherein the <u>function
execution request object</u> is one of a button, a banner, a linking
keyword, and an image data." App., claim 14 (emphasis added).
The Final Office Action states that the function execution request
object is analogous to request headers described in Hobbs (the
rejection of claim 14 provides no additional information regarding
the Examiner's interpretation of this limitation). FOA, pg. 2.
The Examiner also argues that the request headers of Hobbs can be
one of a button, a banner, a linking keyword, and an image data.
FOA, pg. 9.

The Appellant respectfully disagrees with the Examiner's
interpretation of Hobbs since, as discussed above for claim 1, the
request headers discussed in Hobbs are not one of a button, a
banner, a linking keyword, and an image data, selectable or
displayed in a displayed web page.

For at least this reason, the Appellant respectfully asserts
that the Examiner has not established a *prima facie* case of
anticipation for claim 14. The Appellant submits that the
rejection of claim 14 is improper and requests that the rejection
of claim 14 be reversed by the honorable Board.

Claim 24

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Claim 24 further limits claim 14, reciting, in part, "wherein the execution request object includes <u>an indicia</u> of a first language and a second language and the pertinent process includes a translating process to translate, at least in part, the web page from the first language to the second language." App., claim 24 (emphasis added).

In rejecting claim 24, the Final Office Action states, "using a gateway is any application program that receives data from a browser or other HTTP server converts it into a form the database can understand." FOA, pages 8-9.

The Appellant respectfully submits that the above statement fails to point out where Hobbs teaches <u>indicia</u> of a first language and a second language. Thus, the Examiner's statement it does not establish that Hobbs teaches every element and limitation of claim 24, namely, an indicia of a first language and a second language.

For at least these reasons, and the reasons given for claim 14, the Appellant respectfully asserts that the Examiner has not established a *prima facie* case of anticipation for claim 24. The Appellant submits that the rejection of claim 24 is improper and requests that the rejection of claim 24 be reversed by the honorable Board.

Claim 15

Claim 15 recites, in part, a "wherein the function providing server is configured to translate, at least in part, the web page from a first language to a second language." App., claim 15.

As detailed above (see discussion of claim 13), nowhere in Hobbs is there a teaching of translating a web page from a first language to a second language. For at least this reason, the Appellant submits that the rejection of claim 15 is improper and requests that the rejection of claim 15 be reversed by the honorable Board.

Claim 25

Claim 25 is dependent on further limits claim 15, reciting, "wherein the function execution request object is one of a button, a banner, a linking keyword, and an image data." App., claim 25.

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As detailed above (see discussion of claim 1), Hobbs does not
teach a selectable function execution request object that is one
of a button, a banner, a linking keyword, and an image data. For
at least these reasons, and the reasons set forth for claim 15,
claim 25 is believed allowable over the cited documents. As such,
the Appellant submits that the rejection of claim 25 is improper
and requests that the rejection of claim 25 be reversed by the
honorable Board.

Claim 16

Claim 16 recites, in part, "wherein the function execution
request object is one of a button, a banner, a linking keyword,
and an image data." App., claim 16. As detailed above (see
discussion of claim 1), Hobbs does not teach a selectable function
execution request object that is one of a button, a banner, a
linking keyword, and an image data. For at least these reasons,
claim 16 is believed allowable over the cited documents. As such,
the Appellant submits that the rejection of claim 16 is improper
and requests that the rejection of claim 16 be reversed by the
honorable Board.

Claim 28

Claim 28 is dependent on further limits claim 16, reciting,
"wherein the function providing server is configured to translate,
at least in part, the web page from a first language to a second
language." App., claim 28.

The Final Office Action rejects claim 28, citing Hobbs as
teaching "using a gateway is any application program that receives
data from a browser or other HTTP server converts it into a form
the database can understand." FOA, pages 8-9.

The Appellant respectfully submits that such an operation
does not amount to a translating process since retrieving data
specified in a document does not equate to translating said
document. It is therefore respectfully submitted that nowhere in
Hobbs is there a teaching of translating a web page from a first
language to a second language.

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For at least this reason, and the reasons set forth for claim 18, claim 28 is believed allowable over the cited documents. As such, the Appellant submits that the rejection of claim 28 is improper and requests that the rejection of claim 28 be reversed by the honorable Board.

I. CLAIMS 4 AND 8-10 ARE NOT OBVIOUS OVER HOBBS IN VIEW OF GABBARD

Obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by an examiner does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

Claim 4

Claim 4 recites, "The network system according to claim 1, wherein said function providing server inserts predetermined advertisement contents into said web page obtained by said process." App., claim 4.

In rejecting claim 4, the Examiner acknowledges that Hobbs does not teach inserting predetermined advertisement contents. FOA, pg. 9. Nevertheless, the Examiner states that Gabbard discloses the features of claim 4. *Id.* The Examiner argues, "It would have been obvious to one of ordinary skill in the art at the time the invention was made incorporate Gabbard's feature into the computer system of Hobbs to process users' requests because it would have allowed users to insert into an end user communication message into the background reference after receiving the original message sent from an end user and before sending the message to be delivered to an end user." FOA, pg. 9-10.

The advantage alleged by the examiner to justify the proposed combination of Hobbs and Gabbard are not supported by the evidence. Although the Examiner states that Hobbs suggests servers insert various types of content into a web document, the Examiner has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to

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reconstruct Hobbs to allow "users to insert into an end user communication message into the background reference." In this regard, neither Hobbs nor Gabbard express any appreciation of the business model of receiving advertising revenue from the function providing server recited in claim 1. App., pg. 5, ln. 24 - pg. 6, ln. 2.

For at least this reason, and the reasons given for claim 1, the Appellant respectfully asserts that the Examiner has not established a *prima facie* case of obviousness for claim 4. The Appellant submits that the rejection of claim 4 is improper and requests that the rejection of claim 4 be reversed by the honorable Board.

Claim 8

Claim 8 recites, in part, "an advertisement insertion unit for inserting predetermined advertisement contents into said web page obtained by said web page converter." App., claim 8. As discussed above for claim 4, the Appellant submits there is no motivation in the record for one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gabbard with those of Hobbs.

For at least this reason, and the reasons given for claim 5, the Appellant respectfully asserts that the Examiner has not established a *prima facie* case of obviousness for claim 8. The Appellant submits that the rejection of claim 8 is improper and requests that the rejection of claim 8 be reversed by the honorable Board.

Claims 9 and 10

Claims 9 and 10 are dependent on and further limit claim 8. Since the rejection of claim 8 is believed to be improper, the Appellant submits that the rejections of claims 9 and 10 are also improper and requests that the honorable Board reverse the rejections of claims 9 and 10.

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Conclusion

In view of the foregoing, Appellant submits that the rejections of claims 11-16, 18, 20, 22, 24, 25 and 28 are improper and respectfully requests that the rejections of claims 1-16, 18, 20, 22, 24, 25 and 28 be reversed by the Board.

Respectfully submitted,

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Claims Appendix

1   1. A network system comprising:

2   a client for browsing web pages;

3   a server for providing a function to perform a predetermined

4   process for said web pages; and

5   a web server for storing a web page that includes a function

6   execution request object which is used to request that a process be

7   performed by said function providing server,

8   wherein said client obtains, from said web server, said web page

9   that includes said function execution request object, and when said

10   function execution request object included in said web page is

11   selected, said client designates the storage location for a target web

12   page and transmits a process execution request to said function

13   providing server,

14   wherein, upon the receipt of said process execution request from

15   said client, said function providing server obtains said target web

16   page based on said storage location that is designated by said process

17   execution request, performs a pertinent process for said target web

18   page that is obtained, and returns the resultant web page to said

19   client that issued said process execution request,

20   wherein the function execution request object is one of a button,

21   a banner, a linking keyword, and an image data.

1   2. The network system according to claim 1, wherein, when

2   issuing said process execution request, said client designates the type

3   of process to be performed, and said function providing server performs

4   said designated process for an obtained web page.

1   3. The network system according to claim 1, wherein, when said

2   obtained web page is linked with another web page, said function

3   providing server also obtains a web page at a linking destination and

4   performs a process for said obtained web page.

1   4. The network system according to claim 1, wherein said

2   function providing server inserts predetermined advertisement contents

3   into said web page obtained by said process.

1   5. A server, for receiving an execution request from a client

2   and for performing a predetermined function in consonance with said

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3   execution request, comprising:

4   a command analyzer for, in response to the selection of a

5   function execution request object that is included in a web page

6   displayed by said client and that is used to request that said server

7   execute a process, accepting and analyzing an execution request that is

8   received by said server and that includes information concerning a

9   storage location for a target web page that is to be processed;

10   a web page acquisition unit for obtaining said target web page

11 based on said information that is included in said execution request

12 concerning said storage location for said target web page; and

13   a web page converter for performing a predetermined conversion

14 process for said target web page that is obtained,

15   wherein the function execution request object is one of a button,

16 a banner, a linking keyword, and an image data.

1   6. The server according to claim 5, further comprising:

2   a transmission unit for returning, to said client, the resultant

3   web page obtained by the performance of said conversion process.

1   7. The server according to claim 5, wherein, when said obtained

2   web page is linked with another web page, said web page acquisition

3   unit also obtains a web page at a linking destination; and wherein said

4   web page converter performs said predetermined conversion process for

5   said web page at said linking destination that is obtained by said web

6   page acquisition unit.

1   8. The server according to claim 5, further comprising:

2   an advertisement insertion unit for inserting predetermined

3   advertisement contents into said web page obtained by said web page

4   converter.

1   9. The server according to claim 8, wherein said advertisement

2   insertion unit selects for insertion an advertisement content type

3   based on the type of processing that said web page converter performs

4   for said web page.

1   10. The server according to claim 8, wherein said advertisement

2   insertion unit selects for insertion an advertisement content type

3   based on a keyword that is extracted from said web page.

1   11. A web server, for storing a web page that is browsed by

2   means of a communication network, comprises:

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3   storage means for storing a web page, including both a

4   description of a URL for a function providing server, which performs a

5   translating process for a web page, and a description of an option for

6   obtaining a URL for a web page that is inserted into said web server,

7   the translating process configured to translate, at least in part, the

8   web page from a first language to a second language; and

9   communication control means for accepting a request to browse the

10   web page and for returning said web page to the source that transmitted

11   said request.

1   12. A web page comprising:

2   a first script, for displaying a function execution request

3   object on a web page; and

4   a second script, performed in response to the selection of said

5   function execution request object on said web page, which is displayed

6   by predetermined display means, for obtaining the URL of said web page

7   and for transmitting the URL to a function providing server that has

8   been registered in advance; and

9   wherein the function execution request object is one of a button,

10   a banner, a linking keyword, and an image data.

1   13. A data processing method for receiving an execution request

2   from a client and for performing a predetermined process in consonance

3   with the execution request comprising the steps of:

4   analyzing, in response to the selection of a function execution

5   request object that is included in a web page displayed by said client

6   and that is used to request that said server execute a process, an

7   execution request that is received by said server and that includes

8   information concerning a storage location for a target web page that is

9   to be processed;

10   obtaining said target web page based on the information, which is

11   included in said execution request, concerning said storage location

12   for said target web page; and

13   performing a predetermined conversion process for said target web

14   page that is obtained;

15   wherein the predetermined conversion process includes a

16   translating process configured to translate, at least in part, the

17   target web page from a first language to a second language.

1   14. A storage medium on which input means of a computer stores a

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2   computer-readable program, which permits said computer to perform:

3   a process for analyzing, in response to the selection of a

4   function execution request object that is included in a web page

5   displayed by said client and that is used to request that a server

6   execute a process, an execution request that is received by said server

7   and that includes information concerning a storage location for a

8   target web page that is to be processed;

9   a process for obtaining said target web page based on said

10 information, which is included in said execution request, concerning

11 said storage location for said target web page; and

12   a process for performing a predetermined conversion process for

13 said target web page that is obtained; and

14   wherein the function execution request object is one of a button,

15 a banner, a linking keyword, and an image data.

1   15.   A storage medium on which input means of a computer stores a

2   script written in a source of a web page, said script includes:

3   a first script, for displaying a function execution request

4   object on a web page; and

5   a second script, performed in response to the selection of said

6   function execution request object on said web page, which is displayed

7   by predetermined display means, for obtaining the URL of said web page

8   and for transmitting the URL to a function providing server that has

9   been registered in advance; and

10   wherein the function providing server is configured to translate,

11 at least in part, the web page from a first language to a second

12 language.

1   16.   A program transmission apparatus comprising:

2   storage means for storing a first script, for displaying a

3   function execution request object on a web page, and a second script,

4   performed in response to the selection of said function execution

5   request object on said web page, which is displayed by predetermined

6   display means, for obtaining the URL of said web page and for

7   transmitting the URL to a function providing server that has been

8   registered in advance; and

9   transmission means for reading said first and said second scripts

10 from said storage means and for transmitting said first and said second

11 scripts; and

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12   wherein the function execution request object is one of a button,
13   a banner, a linking keyword, and an image data.

1   18.   The network system according to claim 1, wherein the
2   execution request object includes an indicia of a first language and a
3   second language and the pertinent process includes a translating
4   process to translate, at least in part, the web page from the first
5   language to the second language.

1   20.   The server according to claim 5, wherein the execution
2   request includes an indicia of a first language and a second language
3   and the predetermined conversion process includes a translating process
4   to translate, at least in part, the web page from the first language to
5   the second language.

1   22.   The web page according to claim 12, wherein the function
2   providing server is configured to translate, at least in part, the web
3   page from a first language to a second language.

1   24.   The storage medium according to claim 14, wherein the
2   execution request includes an indicia of a first language and a second
3   language and the predetermined conversion process includes a
4   translating process to translate, at least in part, the target web page
5   from the first language to the second language.

1   25.   The storage medium according to claim 15, wherein the
2   function execution request object is one of a button, a banner, a
3   linking keyword, and an image data.

28.   The program transmission apparatus according to claim 16,
wherein the function providing server is configured to translate, at
least in part, the web page from a first language to a second
language.

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